

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

DARCEE WHEELAND, et al.,)
)
Plaintiffs,) 7:04CV5018
)
vs.) ORDER
)
RHONE-POULENC, INC.,)
)
Defendant.)

This matter is before the court on plaintiff Darcee Wheeland's Motion for Extension of Deadline (Filing No. 49). The movant seeks an extension of sixty days from the date of the court's Order on the instant motion within which to disclose expert witnesses. The movant represents the defendant has no objection to the extension. Upon consideration,

IT IS ORDERED:

1. Darcee Wheeland's Motion for Extension of Deadline (Filing No. 49) is granted. Paragraph 2 of the Final Progression Order (Filing No. 30) is amended as follows:
 2. **Disclosure of Expert Witnesses.** The plaintiff shall, as soon as practicable but **not later than October 11, 2005**, serve the defendant with the statement required by Fed. R. Civ. P. 26(a)(2) regarding each expert witness it expects to call to testify at trial pursuant to the provisions of Rule 702, 703 or 705, Fed. Rules of Evidence. The defendant shall serve the plaintiff with its statement of the expert witnesses it expects to call to testify pursuant to Rule 702, 703 or 705, Fed. Rules of Evidence, pursuant to Fed. R. Civ. P. 26(a)(2) as soon thereafter as practicable, but **not later than December 2, 2005**. If necessary to refute the disclosed opinions of an expert witness of an opponent, a party may disclose additional expert witnesses not later than **December 29, 2005**, provided that the disclosing party then provides all of the information described in Fed. R. Civ. P. Rule 26(a)(2) and makes the expert witness available for deposition prior to the date set for completion of deposition.

Supplementation of these disclosures, if originally made prior to these deadlines, shall be made on these deadlines as to any information for which supplementation is addressed in Fed. R. Civ. P. 26(e). The testimony of the expert at trial shall be limited to the information disclosed in accordance with this paragraph.

DATED this 10th day of August, 2005.

BY THE COURT:

s/Thomas D. Thalken
United States Magistrate Judge